

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK ANTHONY BROWN,

Plaintiff,

v.

D. EARLS, JR., et al.,

Defendants.

No. 2:22-cv-00359-DAD-JDP (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION

(Doc. No. 40)

Plaintiff Mark Anthony Brown is a state prisoner appearing *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 9, 2024, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiff's failure to comply with court orders and failure to prosecute this action. (Doc. No. 40.) Specifically, plaintiff has failed to comply with the court's order dated February 8, 2024, in which plaintiff was ordered to file an opposition or a statement of non-opposition to defendants' motion to compel discovery responses, and the court's order dated March 19, 2024 ordering plaintiff to show cause why this action should not be dismissed after his first amended complaint was dismissed and plaintiff was directed to file a second amended complaint within thirty days. (Doc. Nos. 37, 39.) The pending findings and recommendations were served on plaintiff and contained notice that

any objections thereto were to be filed within fourteen (14) days after service. (Doc. No. 40 at 2.)
To date, no objections have been filed, and the time in which to do so has passed.

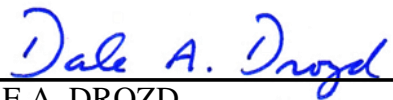
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis.

Accordingly:

1. The findings and recommendations issued on May 9, 2024 (Doc. No. 40) are adopted in full;
2. This action is dismissed, without prejudice, due to plaintiff's failure to comply with court orders and failure to prosecute this action; and
3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: June 17, 2024



DALE A. DROZD
UNITED STATES DISTRICT JUDGE